

**SUPREME COURT MINUTES  
WEDNESDAY, SEPTEMBER 15, 2004  
SAN FRANCISCO, CALIFORNIA**

**S106106**B141129 Second Appellate District,  
Division Eight

CLAXTON v. WATERS

Opinion modified - no change in judgment

Opinion modified on the court's own motion.

**S103689**

C029333 Third Appellate District

PEOPLE v. JONES

Request for modification denied

The requests of the Los Angeles, Santa Clara, and San Bernardino public defenders to grant rehearing or modify the opinion on our own motion are denied.

**S126233**

C038245 Third Appellate District

PEOPLE v. WARNER

Petition for review granted; issues limited

The issue to be briefed and argued is limited to the following: Does defendant's prior conviction of sexual assault of a child under Nebraska Revised Statutes, section 28-320.01 qualify as a serious felony for sentencing purposes in California although the Nebraska statute does not include all of the elements of any felony under California law amounting to a "lewd and lascivious act on a child under the age of 14 years" within the meaning of Penal Code section 1192.7, subdivision (c)(6)?

Votes: George, C.J., Kennard, Werdegar, Chin, Brown, and Moreno, JJ.

**S126412**A101630 First Appellate District,  
Division Four

PRIEBE v. NELSON

Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S126630**

H025213 Sixth Appellate District

LEFRANCOIS v. GOEL

Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S126664**

D042702 Fourth Appellate District,  
Division One

C. (BEN), CONSERVATORSHIP OF  
Petition for review granted

Votes: George, C.J., Kennard, Baxter,  
Werdegarr, Chin, Brown, and Moreno, JJ.

**S116870**

C039428 Third Appellate District

PEOPLE EX REL. DEPT OF CONSERVATION v.  
EL DORADO COUNTY (BRUNIUS)  
Additional issues ordered

In addition to the issue set forth in the  
petition for review, the parties are requested to  
brief the following issue:

What standard of review should a reviewing  
court apply in determining whether an action  
resulted in the enforcement of an important right  
affecting the public interest so as to justify an  
award of attorneys' fees under Code of Civil  
Procedure section 1021.5?

The parties are directed to file simultaneous  
supplemental letter briefs on this question on or  
before October 15, 2004. Simultaneous reply  
briefs may be filed on or before October 29,  
2004.

**S125590**

H025069 Sixth Appellate District

SIEBEL v. MITTLESTEADT  
Issues ordered limited

The issue to be briefed and argued is limited to  
the following: Whether a post-judgment  
settlement agreement revising a damages award  
and providing for the parties to withdraw their  
appeals but not providing for an amended  
judgment and expressly preserving the  
defendant's right to bring a malicious  
prosecution action precludes a finding of  
favorable termination in that defendant's  
subsequent malicious prosecution action? (Cal.  
Rules of Court, rule 29(a)(1).)

**S126119**

B167415 Second Appellate District,  
Division Six

PEOPLE v. SANTANA  
Review granted/briefing deferred (rule 29.1)

Respondent's petition for review granted  
Appellant's petition for review denied.  
Further action in this matter is deferred

pending consideration and disposition of a related issue in *People v. Lopez*, S119294 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S126183**

E033503 Fourth Appellate District,  
Division Two

## PEOPLE v. POSLOF

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending finality in *People v. Barker*, (August 30, 2004, S115438). \_\_ Cal.4th\_\_.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S126653**

G032245 Fourth Appellate District,  
Division Three

## PEOPLE v. MARTINEZ

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Briceno*, S117641 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S126806**

E033166 Fourth Appellate District,  
Division Two

## PEOPLE v. WILLIAMS

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Howard*, S108353 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional

briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S126035**

G031869 Fourth Appellate District,  
Division Three

**DIECKMEYER v. REDEVELOPMENT AGENCY OF  
CITY OF HUNTINGTON BEACH**

Petition for review granted; transferred to CA 4/3

Petition for review granted and the matter is transferred to the Court of Appeal with directions, as explained hereafter.

In its petition for rehearing filed in the Court of Appeal, plaintiff asserted that the Court of Appeal had failed to comply with the requirements imposed by Government Code section 68081 (“[b]efore . . . a court of appeal . . . renders a decision . . . based upon an issue which was not proposed or briefed by any party to the proceeding, the court shall afford the parties an opportunity to present their views on the matter through supplemental briefing”). In responding to this argument, the Court of Appeal concluded that the circumstances that “the point was raised by the court at oral argument, explored extensively by both sides, and neither side requested the opportunity to submit supplemental briefing on the issue . . . was sufficient to comply with Government Code section 68081.” Because in our view these circumstances relied upon by the Court of Appeal are not sufficient to comply with section 68081, the petition for review is granted and the matter is transferred to the Court of Appeal with directions to vacate its opinion and determine whether the issue upon which the case was decided was fairly encompassed within the issues raised and addressed in the parties’ briefs. If the Court of Appeal determines that the issue was fairly encompassed within the issues raised in the parties’ briefs, the Court of Appeal may refile its opinion without further briefing. If the Court of Appeal determines that the issue upon which the case was decided was

not fairly encompassed within the briefed issues, the Court of Appeal shall afford the parties an opportunity to file supplemental briefs on the issue, and then shall determine the matter in light of all of the briefing. Once the Court of Appeal has filed its opinion on remand, the parties may file a petition for review in this court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, and Moreno, JJ.

**S126065**

B160417 Second Appellate District,  
Division Eight

**PEOPLE v. SHABAZZ**

Petition for review granted; transferred to CA 2/8

Respondent's petition for review is  
GRANTED.

Appellant's petition for review is denied.

The matter is transferred to the Court of Appeal, Second Appellate District, Division Eight, with directions to reconsider in light of *People v. Chiu* (2003) 113 Cal.App.4th 1260 whether subdivision (j) of Penal Code section 12022.53 bars imposition of a 25-years-to-life firearm enhancement under subdivision (d) when the underlying sentence is life without the possibility of parole.

Brown, J., and Moreno, J., are of the opinion the petition should be granted and retained.

Votes: George, C.J., Kennard, Baxter, Werdegar, and Chin, JJ.

**S126278**

B172056 Second Appellate District,  
Division Six

**CALIFORNIA INSURANCE GUARANTEE ASSOC.  
v. WCAB, WEITZMAN**

Review granted; transferred to CA 2/6 to issue alt. writ

The matter is transferred to the Court of Appeal, Second Appellate District, Division Six, with directions to vacate its order denying mandate and to issue a writ to be heard before that court when the proceeding is ordered on calendar.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S044834**PEOPLE v. JOHNS (RAYMOND F.)  
Appeal abated

Respondent's "Motion to Abate Appeal," filed on August 31, 2004, is granted. As indicated in a certified copy of a certificate of death, appellant Raymond Frederick Johns died on March 28, 2004. All proceedings in *People v. Raymond Frederick Johns*, case no. S044834, are permanently abated, and the Superior Court of California, County of Santa Clara is directed to enter an order to that effect in case no. 138347. (*People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. Bandy* (1963) 216 Cal.App.2d 458, 466.)

**S116659**D039544 Fourth Appellate District,  
Division OnePEOPLE v. BURROUGHS  
Transferred to CA 4/1 after hold

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *People v. Arnold* (2004) 33 Cal.4th 294, and *People v. Jeffrey* (2004) 33 Cal.4th 312. (Cal. Rules of Court, rule 29.3(d).)

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S123023**A086991 First Appellate District,  
Division FourHENLEY v. PHILIP MORRIS USA  
Dismissal order filed

Respondent's motion to dismiss review granted. Respondent's alternative motion to grant active review and set briefing schedule denied. Petitioner's motion to designate case as active and set briefing schedule denied.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S124188**

F043009 Fifth Appellate District

ATWATER ELEMENTARY SCHOOL DISTRICT v.  
CALIF OFFICE OF ADMINISTRATIVE HEARINGS  
OF DEPT. OF GENERAL SERVICES  
Motion to dismiss denied

Motion to dismiss review filed on August 9,  
2004, is denied.

**S102580**

STEWART (RICHARD) ON H.C.

Petition for writ of habeas corpus denied (AA)

The petition for a writ of habeas corpus is  
denied.

Claims 1-4, 6-10, 12-13, 16, 17 (to the extent  
it concerns asserted error at the guilt phase of  
trial), 18, 19-20 (to the extent they concern  
asserted error at the guilt phase of trial), 21-22,  
and 26 are denied on the merits.

Claims 5, 11, 14-15, 17 (to the extent it  
concerns asserted error at the penalty phase of  
trial), 19-20 (to the extent they concern asserted  
error at the penalty phase of trial), 23-25, and  
27, all asserting invalidity of the penalty  
judgment, are dismissed as moot in light of the  
disposition of the appeal in this matter (*People*  
*v. Stewart* (2004) 33 Cal.4th 425, 440-455).

Brown, J., would deny solely on the merits.

**S125593**G020323 Fourth Appellate District,  
Division Three

TEXTRON FINANCIAL v. NATIONAL UNION FIRE  
INSURANCE CO. OF PITTSBURGH  
Petition for review & depublication request denied

**S125799**

F041885 Fifth Appellate District

PEOPLE v. SISAVATH

Petition for review denied

**S125841**B175129 Second Appellate District,  
Division Two

HINKLES (CLABRON WILLIAM) ON H.C.

Petition for review denied

Brown, J., was recused and did not participate.

**S125856**A106386 First Appellate District,  
Division One

McBROOM (LEMONTA RENNA) ON H.C.

Petition for review denied

**S125869**

A106769 First Appellate District,  
Division One

SAN FRANCISCO BAY AREA COUNCIL OF THE  
BOY SCOUTS OF AMERICA v. S.C. (ROE)  
Petition for review denied

Baxter, J., and Brown, J., are of the opinion the  
petition should be granted.

**S125878**

E032733 Fourth Appellate District,  
Division Two

PEOPLE v. RODRIGUEZ  
Petition for review denied

**S125894**

B174780 Second Appellate District,  
Division Four

MCKINNEY (ALONZO) ON H.C.  
Petition for review denied

**S125907**

E032848 Fourth Appellate District,  
Division Two

RICH v. CANALE  
Petition for review denied

**S125923**

E036005 Fourth Appellate District,  
Division Two

WOODS (CHARLES), IN RE  
Petition for review denied

**S125924**

A099416 First Appellate District,  
Division Two

CHAMBERLIN v. SAN FRANCISCO UNIFIED  
SCHOOL DISTRICT  
Petition for review denied

**S125943**

B166733 Second Appellate District,  
Division Eight

PEOPLE v. SCHAEFER  
Petition for review denied

**S125950**

B175758 Second Appellate District,  
Division Two

LANG (LAURENCE) ON H.C.  
Petition for review denied

**S125951**

A106333 First Appellate District,  
Division Two

RUMIE v. S.C. (PEOPLE)  
Petition for review denied

Kennard, J., and Chin, J., are of the opinion the  
petition should be granted.



**S125952**

F042317 Fifth Appellate District

PEOPLE v. GARCIA

Petition for review denied

**S125957**A103061 First Appellate District,  
Division OneLONDON MARKET INSURERS v. SAFETY NATL  
CASUALTY CORP.

Petition for review denied

**S125981**

C046909 Third Appellate District

GIACOMA (DONALD L.) ON H.C.

Petition for review denied

**S126016**A106849 First Appellate District,  
Division One

BAIR (CLIFFORD) ON H.C.

Petition for review denied

**S126048**B164441 Second Appellate District,  
Division One

MITCHELL v. UNION CENTRAL LIFE INSURANCE

Petition for review denied

**S126057**B160031 Second Appellate District,  
Division Seven

HINDEN v. RUST

Petition for review denied

**S126061**

H027002 Sixth Appellate District

GONZALEZ (ALEJANDRO) ON H.C.

Petition for review denied

**S126071**D043982 Fourth Appellate District,  
Division One

POUCHER (GARY) ON H.C.

Petition for review denied

**S126089**

C043040 Third Appellate District

BARDIS v. OATES

Petitions for review denied

**S126101**B162639 Second Appellate District,  
Division Two

PEOPLE v. GARCIA

Petition for review denied

**S126118**

A104367 First Appellate District,  
Division Four

CITY OF MODESTO REDEVELOPMENT AGENCY  
v. S.C. (DOW CHEMICAL CO.)

Petition for review & depublication request denied

Chin, J., was recused and did not participate.

**S126160**

C047106 Third Appellate District

HILL (THARON B.) ON H.C.

Petition for review denied

**S126164**

H027481 Sixth Appellate District

BRAVO (CHRISTOPHER) ON H .C.

Petition for review denied

**S126192**

H027323 Sixth Appellate District

HEBBE (PAUL E.) ON H.C.

Petition for review denied

**S126242**

E033678 Fourth Appellate District,  
Division Two

PEOPLE v. GONZALES

Petitions for review denied

**S126250**

H026758 Sixth Appellate District

PAKES (MILAN PAUL) ON H.C.

Petition for review denied

**S126260**

D040430 Fourth Appellate District,  
Division One

PEOPLE v. NISSEN

Petition for review denied

**S126264**

C040094 Third Appellate District

PEOPLE v. STEWART

Petition for review denied

**S126270**

F043917 Fifth Appellate District

P. (VERONIQUE), IN RE

Petition for review denied

**S126276**

B166776 Second Appellate District,  
Division Five

M. (WASIF), IN RE

Petition for review denied

**S126284**

C041230 Third Appellate District

PEOPLE v. BOLTON

Petition for review denied

**S126299**

G031808 Fourth Appellate District,  
Division Three

## PEOPLE v. TOLEDO

Petition for review denied

**S126301**

E029490 Fourth Appellate District,  
Division Two

## PEOPLE v. PENA

Petition for review denied

**S126304**

A103685 First Appellate District,  
Division One

## FREDENBURG v. FREMONT

Petition for review denied

**S126337**

E032445 Fourth Appellate District,  
Division Two

## PEOPLE v. TESSIER

Petition for review denied

**S126340**

C045781 Third Appellate District

## PEOPLE v. LANDS

Petition for review denied

**S126358**

B171054 Second Appellate District,  
Division One

## RUIZ v. APPELLATE DEPT., L.A.S.C. (PEOPLE)

Petitions for review & depublication request denied

**S126369**

C047241 Third Appellate District

## MCKINNEY (ALONSO) ON H.C.

Petition for review denied

**S126376**

F045679 Fifth Appellate District

## HERNANDEZ (MOISES) ON H.C.

Petition for review denied

Baxter, J., was recused and did not participate.

**S126390**

A106791 First Appellate District,  
Division Three

## CITY OF DUBLIN v. S.C. (KRUSE)

Petition for review denied

**S126404**

B167375 Second Appellate District,  
Division Eight

## PEOPLE v. REYES

Petition for review denied

**S126424**

A101280 First Appellate District,  
Division One

PEOPLE v. ROBINSON  
Petition for review denied

**S126429**

E036159 Fourth Appellate District,  
Division Two

SCOTT (BYRON L.) ON H.C.  
Petition for review denied

**S126431**

B167198 Second Appellate District,  
Division Two

PEOPLE v. MARTION  
Petition for review denied

**S126443**

E033787 Fourth Appellate District,  
Division Two

PEOPLE v. LOPEZ  
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.

**S126448**

F043783 Fifth Appellate District

PEOPLE v. VILLALOBOS  
Petition for review denied

Baxter, J., was recused and did not participate.

**S126454**

A101809 First Appellate District,  
Division Two

PEOPLE v. BUTLER  
Petition for review denied

**S126480**

B176435 Second Appellate District,  
Division Seven

PENNIX (LADARO) ON H.C.  
Petition for review denied

**S126502**

E033411 Fourth Appellate District,  
Division Two

PEOPLE v. CERVANTES  
Petition for review denied

**S126505**

H025545 Sixth Appellate District

PEOPLE v. GARCIA  
Petition for review denied

**S126523**

C043114 Third Appellate District

## PEOPLE v. SINGH

Petition for review denied

**S126534**D041494 Fourth Appellate District,  
Division One

## PEOPLE v. PARKER

Petition for review denied

**S126538**A102197 First Appellate District,  
Division Two

## PEOPLE v. PHILLIPS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.

**S126539**E033828 Fourth Appellate District,  
Division Two

## PEOPLE v. RAWLS

Petition for review denied

**S126543**B163009 Second Appellate District,  
Division Two

## CHASE v. PRUDENTIAL RESIDENTIAL SERVICES

Petition for review denied

**S126551**A099189 First Appellate District,  
Division Four

## PINOLEVILLE INDIANS, IN RE

Petition for review denied

**S126562**B169111 Second Appellate District,  
Division Three

## C. (IANNA), IN RE

Petition for review denied

**S126565**B168085 Second Appellate District,  
Division Six

## PEOPLE v. MORALES

Petition for review denied

**S126573**B143838 Second Appellate District,  
Division Four

## NELSON v. WEST AMERICAN INSURANCE

Petitions for review &amp; publication request denied

**S126578**

G032377 Fourth Appellate District,  
Division Three

PEOPLE v. CHO

Petition for review denied

**S126585**

A103683 First Appellate District,  
Division Four

ZHU v. CYPRESS ABBEY COMPANY

Petition for review denied

**S126587**

A107021 First Appellate District,  
Division One

FAIRLEY (KENNETH) ON H.C.

Petition for review denied

**S126596**

C044940 Third Appellate District

P. (MARISSA), IN RE

Petition for review denied

**S126597**

D042627 Fourth Appellate District,  
Division One

PEOPLE v. WASHINGTON

Petition for review denied

**S126605**

B142432 Second Appellate District,  
Division Four

ALEXANDER v. FARMERS GROUP INC.

Petition for review denied

**S126631**

B168339 Second Appellate District,  
Division Eight

GUY v. IASCO

Petition for review & publication request denied

**S126633**

G032873 Fourth Appellate District,  
Division Three

HOOSE v. BEAUCHAMP

Petition for review denied

**S126635**

D044505 Fourth Appellate District,  
Division One

WOODS (EARNEST C.) ON H.C.

Petition for review denied

**S126638**

D041727 Fourth Appellate District  
Division One

PEOPLE v. COCHRAN

Petition for review denied

**S126669**

A107083 First Appellate District,  
Division One

PARRISH (ARTHUR) ON H.C.  
Petition for review denied

**S126680**

H026422 Sixth Appellate District  
H027058  
H027141

T. (BUSTER), IN RE  
Petition for review denied

**S126695**

A103962 First Appellate District,  
Division Three

ZENTNER v. WELLS FARGO BANK  
Petition for review & publication request denied

Baxter, J., was recused and did not participate.

**S126703**

C045116 Third Appellate District

PEOPLE v. AMMONS  
Petition for review denied

**S126704**

B176448 Second Appellate District,  
Division Five

COLLINS (GERALD) ON H.C.  
Petition for review denied

**S126706**

B176493 Second Appellate District,  
Division Five

COLLINS (GERALD) ON H.C.  
Petition for review denied

**S126719**

A101111 First Appellate District,  
Division Three

PEOPLE v. ALCALA  
Petition for review denied

**S126720**

D042989 Fourth Appellate District,  
Division One

IN RE K., (TAYLOR)  
Petition for review denied

**S126738**

D042593 Fourth Appellate District,  
Division One

DIPACE v. LINSICO/PRIVATE LEDGER  
Petition for review denied

**S126739**

A102922 First Appellate District,  
Division Four

PEOPLE v. HANSON  
Petition for review denied

**S126741**

G032234 Fourth Appellate District,  
Division Three

SAPPINGTON v. ORANGE UNIFIED SCHOOL DIST  
Petition for review & depublication request denied

Request for judicial notice denied.

**S126742**

C044844 Third Appellate District

L. (JEROME), IN RE  
Petition for review denied

**S126746**

B165980 Second Appellate District,  
Division Three

PEOPLE v. BOBADILLA  
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.

**S126748**

G031287 Fourth Appellate District,  
Division Three

PEOPLE v. OLIVARES  
Petition for review denied

**S126767**

B171817 Second Appellate District,  
Division Seven

PEOPLE v. MICHAELS  
Petition for review denied

**S126772**

B165687 Second Appellate District,  
Division Six

PEOPLE v. MARCHAND  
Petition for review denied

**S126774**

B164715 Second Appellate District,  
Division One

PEOPLE v. LUCERO  
Petition for review denied

**S126778**

A107131 First Appellate District,  
Division Three

MOON v. S.C. (PEOPLE)  
Petition for review denied

**S126779**

D041942 Fourth Appellate District,  
Division One

PEOPLE v. WADDELL  
Petition for review denied



**S126784**

C044918 Third Appellate District

H. (T.), IN RE

Petition for review denied

**S126795**

C042954 Third Appellate District

PEOPLE v. SMITH

Petition for review denied

**S126798**G032224 Fourth Appellate District,  
Division Three

PEOPLE v. CASTRO

Petition for review denied

**S126799**G030827 Fourth Appellate District,  
Division Three

PEOPLE v. GARCIA

Petition for review denied

**S126801**G032364 Fourth Appellate District,  
Division Three

PEOPLE v. LEYVA

Petition for review denied

**S126803**

F043374 Fifth Appellate District

PEOPLE v. BIRD

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.

Baxter, J., was recused and did not participate.

**S126808**B166415 Second Appellate District,  
Division Eight

PEOPLE v. BROWN

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.

**S126813**

F044101 Fifth Appellate District

PEOPLE v. CARRILLO

Petition for review denied

**S126819**

B164717 Second Appellate District,  
Division Two

## PEOPLE v. BARRAGAN

Petition for review denied

**S126822**

C042459 Third Appellate District

## PEOPLE v. BARROW

Petition for review denied

**S126833**

F043061 Fifth Appellate District

## PEOPLE v. GEORGESON

Petition for review denied

**S126834**

A101370 First Appellate District,  
Division Four

## PEOPLE v. TESSLER

Petition for review denied

**S126844**

B167901 Second Appellate District,  
Division One

## PEOPLE v. PAPROCKI

Petition for review denied

**S126852**

B167687 Second Appellate District,  
Division Six

## PEOPLE v. MENDOZA

Petition for review denied

**S126853**

A101606 First Appellate District,  
Division Five

## PEOPLE v. POINDEXTER

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.

**S126855**

G032282 Fourth Appellate District,  
Division Three

## PEOPLE v. ALVARADO

Petition for review denied

**S126857**

H026725 Sixth Appellate District

## O. (ERNESTINA), IN RE

Petition for review denied

**S126858**

A101056 First Appellate District,  
Division Two

## PEOPLE v. LACKEY

Petition for review denied

**S126866**

B166568 Second Appellate District,  
Division One

## PEOPLE v. WILSON

Petition for review denied

**S126869**

B170758 Second Appellate District,  
Division Six

## PEOPLE v. FURGEOSON

Petition for review denied

**S126872**

F043278 Fifth Appellate District

## PEOPLE v. WARREN

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.

Baxter, J., was recused and did not participate.

**S126874**

G032758 Fourth Appellate District,  
Division Three

## PEOPLE v. HILARIO

Petition for review denied

**S126881**

E034337 Fourth Appellate District,  
Division Two

## PEOPLE v. EHLOW

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.

**S126882**

E033338 Fourth Appellate District,  
Division Two

## PEOPLE v. CRUZ

Petition for review denied

**S126883**

G031672 Fourth Appellate District,  
Division Three

## PEOPLE v. ADAMS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.

**S126886**

A103838 First Appellate District,  
Division Four

## PEOPLE v. LINDSEY

Petition for review denied

**S126887**

B176490 Second Appellate District,  
Division Three

METROPOLITAN TRANSPORTATION  
AUTHORITY OF L.A. v. S.C. (LEFLORE)  
Petition for review denied

**S126889**

H026011 Sixth Appellate District

## PEOPLE v. LANDON

Petition for review denied

**S126901**

G032947 Fourth Appellate District,  
Division Three

## PEOPLE v. KENNAN

Petition for review denied

**S126911**

B176119 Second Appellate District,  
Division One

BASHIR v. SUPERIOR COURT (PEOPLE)  
Petition for review denied

**S126912**

F043318 Fifth Appellate District

SOSSAMON v. CENTRAL VALLEY RV OUTLET  
Petition for review denied

The request for judicial notice denied.

**S126921**

F044249 Fifth Appellate District

## R. (MARISSA), IN RE

Petition for review denied

**S126923**

F043443 Fifth Appellate District

## PEOPLE v. JAMAR

Petition for review denied

**S126925**

B170633 Second Appellate District,  
Division Six

PEOPLE v. PENDLETON  
Petition for review denied

**S126926**

B166842 Second Appellate District,  
Division Six

PEOPLE v. CHAVEZ  
Petition for review denied

**S126929**

B169828 Second Appellate District,  
Division Three

B. (JOSE), IN RE.  
Petition for review denied

**S126940**

G031787 Fourth Appellate District,  
Division Three

PEOPLE v. STIRES  
Petition for review denied

**S126943**

B168666 Second Appellate District,  
Division Five

PEOPLE v. JONES  
Petition for review denied

**S126944**

B168093 Second Appellate District,  
Division Two

PEOPLE v. BUCKINGHAM  
Petition for review denied

**S126949**

B171234 Second Appellate District,  
Division Five

PEOPLE v. BOWLES  
Petition for review denied

**S126965**

G031960 Fourth Appellate District,  
Division Three

GROOM v. FRITCH  
Petition for review denied

**S126969**

A099264 First Appellate District,  
Division Two

PEOPLE v. PRESTON  
Petition for review denied

**S126974**

G031530 Fourth Appellate District,  
Division Three

PEOPLE v. ORTIZ  
Petition for review denied

**S126980**

G032256 Fourth Appellate District,  
Division Three

PEOPLE v. WHITSON

Petition for review denied

**S126983**

F042867 Fifth Appellate District

PEOPLE v. CORNELL

Petition for review denied

Baxter, J., was recused and did not participate.

**S126984**

C046976 Third Appellate District

SHASTA COMMUNITY COLLEGE v. W.C.A.B.  
(SLOAN)

Petition for review denied

**S126987**

B167233 Second Appellate District,  
Division Two

PEOPLE v. GARCIA

Petition for review denied

**S126990**

G031647 Fourth Appellate District,  
Division Three

HUTTON v. MERCURY CASUALTY COMPANY

Petition for review denied

**S126991**

F042666 Fifth Appellate District

PEOPLE v. GUILLEN

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.

**S126993**

B169922 Second Appellate District,  
Division Five

PEOPLE v. FRIENDLY

Petition for review denied

**S126994**

B170303 Second Appellate District,  
Division Six

PEOPLE v. DIAZ

Petition for review denied

**S126996**

B164697 Second Appellate District,  
Division Four

## PEOPLE v. JIMENEZ

Petition for review denied

**S127002**

H026411 Sixth Appellate District

## PEOPLE v. WILLIAMS

Petition for review denied

**S127006**

C045997 Third Appellate District

## PEOPLE v. JENNINGS

Petition for review denied

**S127011**

C041000 Third Appellate District  
C041033

## PEOPLE v. TERRY

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.

**S127015**

B167923 Second Appellate District,  
Division Three

## PEOPLE v. THOMPSON

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.

**S127017**

E033980 Fourth Appellate District,  
Division Two

## PEOPLE v. WRIGHT

Petition for review denied

**S127018**

B169906 Second Appellate District,  
Division Four

## EISENDRATH &amp; ROGERS, MARRIAGE OF

Petition for review denied

**S127020**

C044229 Third Appellate District

## PEOPLE v. MERRILL

Petition for review denied

**S127042**

G031938 Fourth Appellate District,  
Division Three

**BURT v. COUNTY OF ORANGE**

Petition for review & depublication request denied

**S127048**

B169157 Second Appellate District,  
Division Four

**PEOPLE v. WEST**

Petition for review denied

**S127049**

C042330 Third Appellate District

**PEOPLE v. DURAN**

Petition for review denied

**S127050**

E036256 Fourth Appellate District,  
Division Two

**HAYDEN v. S.C. (MOORE)**

Petition for review denied

**S127062**

D040646 Fourth Appellate District,  
Division One

**PEOPLE v. WRIGHT**

Petition for review denied

**S127065**

B165319 Second Appellate District,  
Division Six

**PEOPLE v. PIMENTEL**

Petition for review denied

**S127078**

G023903 Fourth Appellate District,  
Division Three

**PEOPLE v. MARDESICH**

Petition for review denied

**S127079**

F043632 Fifth Appellate District

**PEOPLE v. RAMIREZ**

Petition for review denied

Baxter, J., was recused and did not participate.

**S127085**

F043565 Fifth Appellate District

**PEOPLE v. SMITH**

Petition for review denied

**S127094**

H025516 Sixth Appellate District

**PEOPLE v. NGUYEN**

Petition for review denied



**S127096**

D042287 Fourth Appellate District,  
Division One

PEOPLE v. TANNER

Petition for review denied

**S127103**

C047466 Third Appellate District

LYONS v. S.C. (PEOPLE)

Petition for review denied

**S127113**

H026878 Sixth Appellate District

V. (IRBIN), IN RE

Petition for review denied

**S127130**

E034758 Fourth Appellate District,  
Division Two

L. (RICHARD), IN RE

Petition for review denied

**S127135**

A104672 First Appellate District,  
Division Two

UCSF MEDICAL CENTER v. W.C.A.B. (YOUNG)

Petition for review denied

**S127147**

A102068 First Appellate District,  
Division Five

PEOPLE v. SMITH

Petition for review denied

**S127731**

B177721 Second Appellate District,  
Division Two

ESCAIP v. S.C. (SMART & FINAL)

Petition for review and application for stay denied

**S119333**

STRONG (GEORGE B.) ON H.C.

Petition for writ of habeas corpus denied

**S119643**

VICKERS (LARRY) ON H.C.

Petition for writ of habeas corpus denied

**S119652**

MOORE (REGINALD) ON H.C.

Petition for writ of habeas corpus denied

Petition for writ of habeas corpus is DENIED.  
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S119710**

BOWELL (JAMES EDWIN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S119845**

BERMUDEZ (ARTHUR R.) ON H.C.  
Petition for writ of habeas corpus denied

**S120036**

ELLIS (NATHAN J.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

**S120077**

MURPHY (TYRONE) ON H.C.  
Petition for writ of habeas corpus denied

**S120281**

SECREST (CALVIN S.) ON H.C.  
Petition for writ of habeas corpus denied

**S120339**

LOPEZ (JOSE) ON H.C.  
Petition for writ of habeas corpus denied

**S120350**

BLACKMAN (CARLTON) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S120356**

DAVISON (SHANNON S.) ON H.C.  
Petition for writ of habeas corpus denied

**S120359**

HUYNH (THUAN) ON H.C.  
Petition for writ of habeas corpus denied

**S120362**

DURANT (EMIL P.) ON H.C.  
Petition for writ of habeas corpus denied

**S120368**

MADRID (DENISE C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

**S120391**

BIVENS (JOSEPH) ON H.C.  
Petition for writ of habeas corpus denied

**S120394**

BRAMAN (LEROY L.) ON H.C.  
Petition for writ of habeas corpus denied

**S120410**

LANPHEAR (RONALD E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S120418**

GONZALEZ (CECILIO) ON H.C.  
Petition for writ of habeas corpus denied

**S120448**

BISHOP (RONALD JAMES) ON H.C.  
Petition for writ of habeas corpus denied

**S120450**

ELLINGTON (MARCUS R.) ON H.C.  
Petition for writ of habeas corpus denied

**S120452**

WINN (KEVIN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S120453**

MIXON (DAVID) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

**S120456**

MENDOZA (PETER F.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218.)

**S120458**

KELLEY (DANIEL ROY) ON H.C.  
Petition for writ of habeas corpus denied

**S120463**

BRISKER (CHARLES) ON H.C.  
Petition for writ of habeas corpus denied

**S120489**

MOORE (HAROLD) ON H.C.  
Petition for writ of habeas corpus denied

**S120497**

JOHNSON (GEORGE) ON H.C.  
Petition for writ of habeas corpus denied

**S120522**

RUTTMAN (VICTOR SCOTT) ON H.C.  
Petition for writ of habeas corpus denied

**S120541**

PARSONS (ADAM W.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S120550**

WASHINGTON (RODERICK) ON H.C.  
Petition for writ of habeas corpus denied

**S120552**WASHINGTON (RODERICK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S120561**HENDERSON (ANTHONY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218.)

**S120581**NGO (SIEU PHONG) ON H.C.  
Petition for writ of habeas corpus denied**S120586**ARNOLD (COREY L.) ON H.C.  
Petition for writ of habeas corpus denied**S120591**BOWIE (MICHAEL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218.)

**S120593**JONES (TIMOTHY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S120595**MORENO (JOSE L.) ON H.C.  
Petition for writ of habeas corpus denied

**S120602**

WILLIAMS (JOHN L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

**S120610**

LOGAN (JOE C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S120623**

SHABAZZ (JOSHUA) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

**S120626**

REED (DONALD) ON H.C.  
Petition for writ of habeas corpus denied

**S120654**

MADRIAGA (ISAGANI P.) ON H.C.  
Petition for writ of habeas corpus denied

**S120655**

MCKINNEY (CARL) ON H.C.  
Petition for writ of habeas corpus denied

for lack of diligence (see *In re Robbins* (1998) 18 Cal.4th 770, 780) and on the merits.

**S120658**

CARROLL (TREMAINE) ON H.C.  
Petition for writ of habeas corpus denied

**S120659**

MARTINEZ (RAUL) ON H.C.  
Petition for writ of habeas corpus denied

**S120660**

CANCEL (GABBY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Lindley*  
(1947) 29 Cal.2d 709; *In re Waltreus* (1965) 62  
Cal.2d 218; *In re Swain* (1949) 34 Cal.2d 300,  
304.)

**S120664**

CLAIBORNE (DENNIS G.) ON H.C.  
Petition for writ of habeas corpus denied

**S120673**

NEDDS (DARYL) ON H.C.  
Petition for writ of habeas corpus denied

**S120681**

BROWN (JOSEPH) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*  
*Lessard* (1965) 62 Cal.2d 497, 503; *In re*  
*Seaton* (2004) \_\_ Cal.4th \_\_ [2004 DJDAR  
10451].)

**S120688**

STEWART (MICHAEL G.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S120690**

BARNES (DAVID CHAKA) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Waltreus* (1965) 62 Cal.2d 218; *In re*  
*Dixon* (1953) 41 Cal.2d 756.)

**S120692**

JOSEPH (DARREN A.) ON H.C.  
Petition for writ of habeas corpus denied

**S120718**

SWEET (MICHAEL A.) ON H.C.  
Petition for writ of habeas corpus denied

**S120725**

JONES (KENNETH) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *People v. Williams* (1998) 17 Cal.4th 148, 161.)

**S120726**

AUGUSTINE (KEITH) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

**S120751**

DEDMON (ANDRE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

**S120758**

YANG (BEE) ON H.C.  
Petition for writ of habeas corpus denied

**S120759**

TA (HIEU) ON H.C.  
Petition for writ of habeas corpus denied

**S120760**

O'KEEFE (TIMOTHY) ON H.C.  
Petition for writ of habeas corpus denied

**S120766**

HARRISON (BRYANT) ON H.C.  
Petition for writ of habeas corpus denied

**S120767**

LARKINS (KENNETH J.) ON H.C.  
Petition for writ of habeas corpus denied



**S120769**

MATOS (DANNY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

**S120776**

PEREZ (CARLOS) ON H.C.  
Petition for writ of habeas corpus denied

**S120780**

YOUNG (ZURI S.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S120788**

SHERRILL (JASON PAUL) ON H.C.  
Petition for writ of habeas corpus denied

**S120789**

LOTTEN (MAURICE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S120792**

HASANA (HASOU D.) ON H.C.  
Petition for writ of habeas corpus denied

**S120800**

CLAIBORNE (DENNIS G.) ON H.C.  
Petition for writ of habeas corpus denied

**S120853**

HENDANDEZ (SANTOS P.) ON H.C.  
Petition for writ of habeas corpus denied

**S120889**

MARTINEZ (FELIX) ON H.C.  
Petition for writ of habeas corpus denied

**S120894**

WILLIAMS (LEROY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S120968**

LARA (FELIPE) ON H.C.  
Petition for writ of habeas corpus denied

**S120969**

RICO (GERARDO GOMEZ) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

**S120970**

HEAROD (WILLIE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218.)

**S121912**

WASHINGTON (RODERICK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Clark* (1993) 5 Cal.4th 750.)

**S121925**

WARREN (CARMON) ON H.C.  
Petition for writ of habeas corpus denied

**S122256**

WASHINGTON (RODERICK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S122939**

HERNANDEZ (SANTOS) ON H.C.  
Petition for writ of habeas corpus denied

on the merits and as successive. (*See In re Clark* (1993) 5 Cal.4th 750.)

**S123131**

WASHINGTON (RODERICK) ON H.C.  
Petition for writ of habeas corpus denied

(*See In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dexter* (1979) 25 Cal.3d 921; *In re Clark* (1993) 5 Cal.4th 750.)

**S123497**

ROSENBLUM (PHILLIP) ON H.C.  
Petition for writ of habeas corpus denied

**S123625**

MCBROOM (LEMONTA R.) ON H.C.  
Petition for writ of habeas corpus denied

**S124111**

MCKELLY (MICHAEL) ON H.C.  
Petition for writ of habeas corpus denied

(*See In re Dexter* (1979) 25 Cal.3d 921; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S124308**

BAYLIS (TYRONE M.) ON H.C.  
Petition for writ of habeas corpus denied

**S124472**

HUYNH (THUAN) ON H.C.  
Petition for writ of habeas corpus denied

**S124848**

YORGAN (MICHAEL MARK) ON H.C.  
Petition for writ of habeas corpus denied

**S124866**

BROWN (NICHOLAS) ON H.C.  
Petition for writ of habeas corpus denied

(*See In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Dixon* (1953) 41 Cal.2d 756.)

**S124946**

MARKS (SEAN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

**S124950**

HOLMES (HORACE JAMES) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

**S124967**

BELL (HORACE) ON H.C.  
Petition for writ of habeas corpus denied

**S125247**

BELL (HORACE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Miller* (1941) 17 Cal.2d 734.)

**S125454**

ROSENBLUM (PHILLIP) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734; *In re Dexter* (1979) 25 Cal.3d 921.)

**S125605**

BUFORD (TIMOTHY) ON H.C.  
Petition for writ of habeas corpus denied

**S126108**

YOUNG (ZURI S.) ON H.C.  
Petition for writ of habeas corpus denied

**S126814**

BELL (HORACE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S126932**FORDJOUR (CHARLES A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

**S126981**MARTINEZ (ROBERT M.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

**S127244**SMITH (TREVOR DION) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474.)

**S127250**LUNA (JUAN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750.)

**S127277**CADDELL (BRETT) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

**S127278**ARTHUR (AUDIE MURPHY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

**S127279**STEPHENS (VINCENT) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

**S127290**

SILVA (DENNIS RANDOLPH) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Clark* (1993) 5 Cal.4th 750.)

**S127342**

ALBERT (RAYMOND E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

**S127345**

BLACKMAN (RICKY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

**S127346**

SPILLER (RICHARD LEE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

**S127349**

ALLEN (SHAWN D.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

**S127356**

SILVA (DENNIS R.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474; *In re Clark* (1993) 5 Cal.4th 750.)

**S127371**

ANDERSON (GARY) ON H.C.  
Petition for writ of habeas corpus denied

**S127372**

MANZANARES (HECTOR) ON H.C.  
Petition for writ of habeas corpus denied

**S127390**

GEETING (LESTER M.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S127395**

DILLON (PHAN VAN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.).

**S127401**

GILLOCK (CARRIE) ON H.C.  
Petition for writ of habeas corpus denied

**S127421**

SCOTT (JUSTIN BRIAN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474.)

**S127470**

CLARK (KEVIN) ON H.C.  
Petition for writ of habeas corpus & stay denied

**S127490**

BUFORD (TIMOTHY ERIC) ON H.C.  
Petition for writ of habeas corpus denied

**S127497**

SILVA (DENNIS R.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921.)

**S127519**

ROSENBLUM (PHILLIP JON) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

**S127572**POPE (MELVIN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474.)

**S122736**H025443 Sixth Appellate District  
H025471ALEXANDER v. S.C. (BRIX GROUP)  
Depublication request denied (case closed)

Chin, J., was recused and did not participate.

**S122993**E033242 Fourth Appellate District,  
Division TwoPEOPLE v. ALISTAR INSURANCE COMPANY  
Depublication request denied (case closed)**S123524**A098487 First Appellate District,  
A098897 Division FiveLATHROP v. HEALTHCARE PARTNERS MED GRP  
Depublication request denied (case closed)**S124112**B159471 Second Appellate District,  
Division SevenMATHIEU v. NORRELL CORPORATION  
Depublication request denied (case closed)**S124383**

H021153 Sixth Appellate District

DVD COPY CONTROL v. BUNNER  
Depublication request denied (case closed)

Kennard, J., was recused and did not participate.

**S124634**D041142 Fourth Appellate District,  
Division OneBOWEN v. ZIASUN TECHNOLOGIES  
Depublication requests denied (case closed)**S125145**G033421 Fourth Appellate District,  
Division ThreeA. (JENNIFER) v. S. C. (ORANGE CO. SOCIAL SVC)  
Depublication requests denied (case closed)**S126451**A102873 First Appellate District,  
Division TwoSAMPLES v. LOCKYER  
Publication request denied (case closed)



**S126455**

A102961 First Appellate District,  
Division Five

**DIPIRRO v. AMERICAN ISUZU MOTORS**

Publication requests denied (case closed)

Chin, J., was recused and did not participate.

**S126629**

A102485 First Appellate District,  
Division Four

**CASTELLUCCI v. SAKS FIFTH AVENUE**

Publication request denied (case closed)

**S126662**

B170831 Second Appellate District,  
Division Seven

**HANCOCK v. S.C. (AMERICAN WEST HOMES)**

Publication request denied (case closed)

**S126711**

B168136 Second Appellate District,  
Division Two

**CARVAJAL v. JOHNSON**

Publication request denied (case closed)

**S127073**

D040613 Fourth Appellate District,  
Division One

**AHEARN & MALY, MARRIAGE OF**

Publication request denied (case closed)

**S127196**

A103605 First Appellate District,  
Division Two

**J. (DAMONDRE), IN RE**

Publication request denied (case closed)

**S127266**

H026222 Sixth Appellate District

**W. (LEANNA), IN RE**

Depublication request denied (case closed)

**S126589**

D044454 Fourth Appellate District,  
Division One

**FREDERICKS (GEORGE) ON H.C.**

Time extended to grant or deny review

to October 26, 2004

**S126610**

H027463 Sixth Appellate District

**TATE (LIONEL) ON H.C.**

Time extended to grant or deny review

to October 25, 2004.

**S126676**

B176091 Second Appellate District,  
Division Three

MCCLURE (WILBUR L.) ON H.C.  
Time extended to grant or deny review

to October 27, 2004.

**S126698**

B176398 Second Appellate District,  
Division Two

OSWALD (WILLIAM S.) ON H.C.  
Time extended to grant or deny review

to October 27, 2004

**S126708**

H027506 Sixth Appellate District

HIMMELBERGER v. S.C. (PEOPLE)  
Time extended to grant or deny review

to October 27, 2004

**S126716**

B176632 Second Appellate District,  
Division Seven

NGUYEN (ARNOLD) ON H.C.  
Time extended to grant or deny review

to including October 28, 2004.

**S126730**

A105532 First Appellate District,  
Division One

ANDERSON (CURTIS DEAN) ON H.C.  
Time extended to grant or deny review

to October 28, 2004

**S126807**

A101668 First Appellate District,  
A104440 Division Four

PEOPLE v. PRICE  
Time extended to grant or deny review

to October 29, 2004.

**S033360**

PEOPLE v. WALLACE (KEONE)  
Extension of time granted

to October 15, 2004 to file respondent's brief.  
Extension is granted based upon Deputy  
Attorney General Alison Elle Alemán's  
representation that she anticipates filing that  
brief by 10/15/2004. After that date, no further  
extension will be granted.

**S035348**

PEOPLE v. SMITH (ROBERT L.)  
Extension of time granted

to October 15, 2004 to file respondent's brief.  
Extension is granted based upon Deputy  
Attorney General Dorian Jung's representation  
that he anticipates filing that brief by  
10/15/2004. After that date, no further  
extension will be granted.

**S041008**

PEOPLE v. HOYOS (JAIME A.)  
Extension of time granted

to November 15, 2004 to file respondent's brief.  
After that date, only one further extension  
totaling about 30 additional days will be  
granted. Extension granted based upon Deputy  
Attorney General Anthony DaSilva's  
representation that he anticipates filing the brief  
by 12-15-2004.

**S042659**

PEOPLE v. COOK (JOSEPH)  
Extension of time granted

to November 15, 2004 to file respondent's brief.

**S045060**

PEOPLE v. LOKER (KEITH T.)  
Extension of time granted

to November 8, 2004 to file respondent's brief.  
After that date, only one further extension  
totaling about 60 additional days will be  
granted. Extension granted based upon Deputy  
Attorney General Holley A. Hoffman's  
representation that she anticipates filing the brief  
by January 2005.

**S055130**

PEOPLE v. MORGAN (EDWARD P.)  
Extension of time granted

to November 19, 2004 to file respondent's brief.  
After that date, only two further extensions  
totaling about 100 additional days will be  
granted. Extension granted based upon Deputy

Attorney General Randall D. Einhorn's representation that he anticipates filing the brief by 2-28-2005.

**S058528**

MIRANDA (ADAM) ON H.C.  
Extension of time granted

to October 20, 2004 to file respondent's exceptions to the report of the referee and brief on the merits.

**S058537**

PEOPLE v. COLLINS (SCOTT FORREST)  
Extension of time granted

to November 12, 2004 to file reply brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension granted based upon Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing the brief by 1-11-2005.

**S074804**

PEOPLE v. HARTSCH (CISCO)  
Extension of time granted

to November 16, 2004 to file appellant's opening brief.

**S080056**

PEOPLE v. BELL (MICHAEL)  
Extension of time granted

to November 15, 2004 to file appellant's opening brief.

**S085348**

PEOPLE v. CASTANEDA (GABRIEL)  
Extension of time granted

to November 29, 2004 to file appellant's opening brief.

**S123659**

H023778 Sixth Appellate District

BIG CREEK LUMBER v. COUNTY OF SANTA CRUZ

Extension of time granted

to November 5, 2004 for appellant ( Big Creek , et al.) to file the answer brief on the merits. No further extensions of time are contemplated.

**S123790**B160209 Second Appellate District,  
Division Seven

PEOPLE v. SEIJAS

Extension of time granted

Appellant's time to serve and file the answer brief is extended to and including October 18, 2004.

**S123808**E033616 Fourth Appellate District,  
Division Two

RICO v. MITSUBISHI MOTORS

Extension of time granted

to November 1, 2004, for respondents to file the answer brief on the merits.

**S123962**

PANAHA (HOOMAN ASHKAN) ON H.C.

Extension of time granted

to October 12, 2004 to file informal response. After that date, only one further extension totaling about 20 additional days will be granted. Extension granted based upon Deputy Attorney General Ana R. Duarte's representation that she anticipates filing the document by 11-1-2004.

**S125572**D040040 Fourth Appellate District,  
Division One

PEOPLE v. MURPHY

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to and including October 20, 2004.

**S127301**A101950 First Appellate District,  
Division FiveTOM v. CITY & COUNTY OF SAN FRANCISCO;  
SF TENANTS UNION  
Extension of time granted

Respondent's time to serve and file the answer to petition for review is extended to and including September 16, 2004.

**S056391**PEOPLE v. WILLIAMS (BOB)  
Motion for access to sealed record granted

Appellant's "Second Motion to Unseal the Record," filed on July 6, 2004, is granted.

The clerk is directed to unseal the following document and make it available for public access: "Confidential Declaration in Support of Request for Funds Pursuant to Penal Code 987.9 [Mitigation Specialists Services]," found at pages 67 to 78 of the "Sealed Record Under PC 987.9/First Supplemental Clerk's Transcript on Appeal." The clerk is further directed to provide a copy of the unsealed document to Respondent.

**S023835**PEOPLE v. MORRISON (JESSE)  
Orders filed

- (1) the request of appellant for 45 minutes for oral argument is granted.
- (2) the request of respondent for 45 minutes for oral argument is granted.

**S055474**PEOPLE v. PERRY (CLIFTON)  
Motion denied

Respondent's "Motion to Augment Record on Appeal With Trial Exhibit Held by the Court of Appeal, Fifth Appellate District," filed May 20, 2004, is denied in light of the inability of the clerk of the Court of Appeal, Fifth Appellate District, to locate People's Exhibit Number 44 in the record of *People v. Leon Noble* (May 26, 1998, F026332)

Appellant's request that we strike from the

record the unpublished opinion in *People v. Leon Noble* (May 26, 1998, F026332), attached to the motion herein, is granted.

**S064574**

PEOPLE v. MARTINEZ (MICHAEL M.)  
Motion denied

The Request for Order Permitting Appellate Counsel to View Sealed Juvenile File in Order to Determine Whether Potentially Meritorious Appellate Issue Exists and, if so, Have Sufficient Information to Present that Issue to This Court, filed on July 26, 2004, is denied. (See *Pennsylvania v. Ritchie* (1987) 480 U.S. 39, 59-61.)

**S113799**

D037761 Fourth Appellate District,  
Division One

ELSNER v. UVEGES (S.C.I.F.)  
Request denied

The request by intervenor for oral argument time filed on August 23, 2004, is denied.

**S117568**

B153072 Second Appellate District,  
Division Seven

PEOPLE v. CARSON  
Request denied

“Application To Expand Issues on Review” filed July 15, 2004, is denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_\_ [124 S.Ct. 2531] on California law.

**S122865;  
S122923**

LEWIS v. ALFARO  
LOCKYER v. SAN FRANCISCO, CITY & COUNTY  
Order filed

In response to the request for clarification of the status of this court’s stay of all proceedings in *Proposition 22 Legal Defense and Education Fund v. City and County of San Francisco et al.* (San Francisco Super. Ct. No. CPF-04-503943) and *Thomasson et al. v. Newsom et al.* (San

Francisco Super. Ct. No. CGC-04-428794)  
“pending this court’s determination of this  
matter,” issued on March 11, 2004, we observe  
that the stay of the two named superior court  
actions terminated on September 13, 2004, upon  
the finality of this court’s decision in *Lockyer v.*  
*City & County of San Francisco* (2004) 33  
Cal.4th 1055.

**S125755**

RAMIREZ (RICHARD) ON H.C.

Application to file document under seal denied

Petitioner’s “Motion to Reconsider Order  
Granting Application to File Under Seal Exhibit  
to Petition for Writ of Habeas Corpus,” filed  
September 1, 2004, is denied.  
Petitioner’s “Application to File Under Seal  
Exhibit to Petition for Writ of Habeas Corpus,”  
filed August 30, 2004, is denied.



